

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

# INDIAN HARBOR INSURANCE COMPANY

Plaintiff,

VS.

CIVIL ACTION NO. 4:11-cv-1846

KB LONE STAR, INC. F/K/A LONE  
STAR AND L.P. F/K/A KAUFMAN &  
BROAD LONE STAR, L.P.

Defendants.

**[PROPOSED] ORDER**

Defendants KB HOME Lone Star Inc., KB HOME Lone Star L.P., KB Lone Star, Inc., Lone Star, L.P., and Kaufman & Broad Lone Star, L.P. (collectively, “KB”) have moved to dismiss Indian Harbor Insurance Company’s complaint for declaratory judgment pursuant to Federal Rule of Civil Procedure 12(b)(7) (failure to join a party under Rule 19).

It is HEREBY ORDERED that:

KB's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(7) is GRANTED and Indian Harbor's complaint seeking declaratory judgment is dismissed.

SIGNED at Houston, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011

Honorable Melinda Harmon  
United States District Judge